

EXHIBIT B

Stameshkin, Liz

From: Nada Djordjevic <ndjordjevic@dicellevitt.com>
Sent: Tuesday, February 25, 2025 11:03 AM
To: Morton, Phillip; Lauter, Judd; Dunning, Angela L; z/Meta-Kadrey
Cc: Llama C-Counsel; Maxwell Pritt; Jschuffenhauer@bsfllp.com; Madeline Hills
Subject: Kadrey v. Meta - Late Productions

[External]

Counsel,

As previously mentioned, in light of Meta's untimely productions—both as to our ongoing and unanswered questions about the asserted sequestration and the key information and individuals in the documents produced—Plaintiffs request that Meta stipulate to the following discovery, if permitted by Judge Chhabria, to run concurrently with the summary judgment briefing schedule. For depositions, we request the following: a 4 hour 30(b)(6) of Meta regarding the 18K documents and WPChat discovery; a 3 hour deposition of Lighthouse on the alleged sequestration of WPChats; further depositions of 3.5 hours of Todor Mihaylov, Ahmad Al-Dahle, Nikolay Bashlykov, and Melanie Kambadur; further 2.5-hour depositions of Joelle Pineau and Mark Zuckerberg; and 4-hour depositions of Xiolan Wang, Xavier Martinet, and Jort Gemmeke, plus their custodial documents. We also ask that Meta respond to some of the discovery requests we served in mid-January, specifically SROG 27 and RFPs 137-151, 154-158, 162, 163, 164, 167, 169, and 172, though we reserve the right to modify the requests slightly. Further, we ask that Meta agree that Plaintiffs may serve a rebuttal report to Ms. Frederickson-Cross's report on torrenting. Finally, we ask that Meta reimburse Plaintiffs' attorneys' fees and costs in connection with its late production and resulting discovery. Plaintiffs reserve the right to seek further relief.

Please let us know if Meta will agree to these requests.

Sincerely,

Nada



Nada Djordjevic

DICELLO LEVITT LLP

312.214.7900

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28 *Interim Lead Counsel for Individual and Representative Plaintiffs and the Proposed Class*

19 *[Additional counsel included below]*

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN FRANCISCO DIVISION**

23 Richard Kadrey, et al.,

24 *Individual and Representative Plaintiffs,*

25 *v.*

26 Meta Platforms, Inc.,

27 *Defendant.*

Case No. 3:23-cv-03417-VC

PLAINTIFFS' SEVENTH SET OF REQUESTS FOR PRODUCTION TO DEFENDANT META PLATFORMS, INC.

In accordance with Federal Rules of Civil Procedure 26 and 34, Plaintiffs, by and through their undersigned attorneys, hereby request that Defendant Meta produce for inspection and copying, within twenty-one days of service, the documents and things described below, in accordance with the following definitions and instructions. Plaintiffs request that Defendant Meta produce documents and other things described below electronically or at the offices of Boies Schiller Flexner, LLP, 44 Montgomery Street, 41st Floor, San Francisco, CA 94104.

DEFINITIONS

As used herein, the following words, terms, and phrases—whether singular or plural, or in an alternate verb tense—shall have the meanings ascribed below. Defined terms may not be capitalized or made uppercase. The given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form:

1. “Agreements” means any oral or written contract, arrangement or understanding, whether formal or informal, between two or more Persons, including all drafts, versions, modifications, amendments, attachments, exhibits, and appendices thereof.

2. "All," "Or," and "And" should be understood to include and encompass "any"; "or" should be understood to include and encompass "and"; and "and" should be understood to include and encompass "or."

3. “Communications” means oral or written communications of any kind, communicated directly or indirectly, including, without limitation inquiries, complaints, discussions, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters, correspondences, memoranda, notes, telegrams, facsimiles, electronic mail (e-mail) messages and attachments, instant or direct messages (including SMS messages, text messages, Apple iMessages, Slack messages, Teams messages), memoranda, documents, writings, or other forms of communications. The term “Communications” includes instances where one party disseminates information that the other party receives but does not respond to.

4. “Complaint” refers to the operative complaint at the time documents are produced in response to these requests. At the time of service, the currently operative Complaint is Plaintiffs’ Third Amended Consolidated Complaint, Dkt. No. 395-11.

1 5. “Concerning,” whether capitalized or not, refers to and includes “constituting,”
 2 “evidencing,” “supporting,” “regarding,” “mentioning,” “reflecting,” “concerning,” “relating to,” “referring
 3 to,” “pertaining to,” “alluding to,” “responding to,” “proving,” “discussing,” “assessing,” “disproving,”
 4 “connected with,” “commenting on,” “about,” “showing,” “describing,” and/or logically or factually dealing
 5 with the matter described in the request in which the term appears.

6 6. “Data” means content, files, information, metadata, software, or any other digital material,
 7 including Documents.

8 7. “Defendant” means Defendant Meta Platforms, Inc.

9 8. “Document” is used in its broadest sense allowed by Rule 34(a) of the Federal Rules of Civil
 10 Procedure and includes, but is not limited to, any writings, drawings, graphs, handwriting, typewriting,
 11 printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every
 12 other means of recording upon any tangible thing, any form of communication or representation, including
 13 letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created,
 14 regardless of the manner in which the record has been stored.

15 This includes:

- 16 • The originals, drafts and All non-identical copies thereof, whether different from the original
 17 by reason of any notation made on such copies or otherwise;
- 18 • Booklets, brochures, pamphlets, circulars, notices, periodicals, papers, contracts,
 19 agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports,
 20 financial calculations and representations, invoices, accounting and diary entries, inventory
 21 sheets, diaries, appointment books or calendars, teletypes, telefaxes, thermafaxes, ledgers,
 22 trial balances, correspondence, telegrams, press releases, advertisements, notes, working
 23 papers, drawings, schedules, tabulations, projections, information or programs stored in a
 24 computer (whether or not ever printed out or displayed), and All drafts, alterations,
 25 modifications, changes or amendments of any of the foregoing;
- 26 • Graphic or aural representations of any kind, including, without limitation, photographs,
 27 microfiche, microfilm, videotapes, recordings, drawing, charts and motion pictures;

1 • All letters, words, pictures, sounds, or symbols, or combinations thereof stored in or on any
 2 electronic, mechanical, magnetic, or optical device including, but not limited to: (i) computer
 3 data storage devices (servers, laptops hard-drives, flash drives, discs, magnetic cards, and the
 4 like), (ii) the internet or “the Cloud” (such as e-mail, web posts, social media posts, internet
 5 pages, etc.), and (iii) information stored on cell phones.

6 9. “Identify” as it pertains to Persons means to describe each Person by name, residence
 7 address, residence telephone number, occupation, title, business address, and business telephone number.
 8 The term “Identify” as pertains to Documents means to state, to the extent known, the date the Document
 9 bears, if any; the title of the Document; the author(s) of the Document; the recipient(s) of the Document and
 10 the present location(s) or custodian of the Document.

11 10. “Including” and “Includes,” whether capitalized or not, are used to provide examples of
 12 certain types of information and should not be construed as limiting a request or definition in any way. The
 13 terms “including” and “includes” shall be construed as if followed by the phrase “but not limited to.”

14 11. “Llama Model(s)” means all instances, iterations, versions, updates, or modifications of the
 15 Meta’s AI model known as “LLaMa” or “Llama” and any other AI models developed or in development by
 16 Meta. This includes, but is not limited to, the original version, experimental versions, subsequent versions,
 17 updates, or refinements made to the underlying algorithms, parameters, or architecture.

18 12. “Llama 1” means the series of language models originally styled “LLaMA” and released by
 19 Meta in February 2023, as well as precursor models and variant models.

20 13. “Llama 2” means the series of language models of the same name released by Meta in July
 21 2023, as well as precursor models and variant models.

22 14. “Llama 3” means the series of language models of the same name released by Meta in April
 23 2024, as well as precursor models and variant models.

24 15. “Llama 4” means the series of language models of the same name that are currently under
 25 development by Meta, as well as precursor models and variant models.

26 16. “Llama 5” means the series of language models of the same name that are currently under
 27 development by Meta, as well as precursor models and variant models.

17. “Meta” means Meta Platforms, Inc., and its employees, agents, attorneys, accountants, representatives, predecessors or successors-in-interest, any corporation or partnership under its direction, or any other person or entity acting on its behalf or under its control.

18. “OCR” means optical character recognition.

19. “Online Database(s)” means the type of databases described in paragraphs 43 and 44 of the Complaint—online databases with copyrighted material or books including but not limited to Books3, b3g, Z-Library (aka B-ok), Library Genesis (aka LibGen), Bibliotik, Anna’s Archive, Internet Archive, DuXiu, and The Pile. The term encompasses all versions, updates, augmentations, or modifications of such databases, and the distribution, provision, or sharing of copyrighted material or books by other users, or peers, via the torrent protocol or network.

20. “Person” means any natural person or any business, legal, or governmental entity or association.

21. "Relevant Period" includes and encompasses all times relevant to the acts and failures to act which are relevant to the Complaint.

22. “Torrent Client(s)” means a network or application designed for sharing computer data that was used by Meta to obtain data from any Online Database, including but not limited to BitTorrent.

23. "You" or "Your" refers to Meta, including its employees, agents, attorneys, accountants, representatives, predecessors or successors-in-interest, any corporation or partnership acting under its direction, and any other person or entity acting on its behalf or under its control..

INSTRUCTIONS

1. Please separately respond to each item by stating (a) you will produce, (b) you are presently unable to produce, or (c) you object to production.

2. Unless superseded by a mutually-agreed-upon stipulation, the following provisions shall generally govern the production format and procedure for Hard Copy Documents and images:

a. All Documents originating in hardcopy format will be produced as black-and-white or color (if originally in color), single-page, 300 dpi Group IV tagged image file format (“TIFF”) images, with OCR text and related path provided in document level text files.

- 1 b. In scanning hardcopy documents, distinct documents should not be merged into a single
- 2 record, and single documents should not be split into multiple records (i.e., hardcopy
- 3 documents should be logically unitized). The Producing Party will use reasonable efforts
- 4 to unitize documents correctly.
- 5 c. Where a document, or a document group – such as folder, clipped bundle, or binder – has
- 6 an identification spine or other label, the information on the label shall be scanned and
- 7 produced as the first page of the document or grouping.
- 8 d. Productions of the images shall be made using an image load file (.OPT or .LFP) and a
- 9 delimited database/Metadata load file (.DAT), pursuant to any agreement to be made by
- 10 the Parties or in accordance with any Stipulated Order Regarding ESI Protocol and
- 11 Production of ESI and Paper Documents (“ESI Protocol”) to be entered by the Parties.
- 12 e. YOU will utilize best efforts to ensure that paper records for a particular custodian, which
- 13 are included in a single production, are produced in consecutive Bates-stamp order.

14 3. Unless superseded by a mutually-agreed-upon stipulation regarding the production of ESI,

15 All Documents shall be produced in accordance with the specifications below except for source code, which
16 may be produced in accordance with the specifications below.

- 17 a. Where technically feasible, emails shall be produced in TIFF format. TIFFs shall be
- 18 produced as true color, single-page Group IV TIFF in 8½ X 11-inch page size images at
- 19 a resolution of at least 300 DPI with the quality setting of 75% or higher.
- 20 b. When producing documents in TIFF format, the image files shall be produced along with
- 21 Concordance/Opticon image load files, linking the images to the corresponding
- 22 document that indicate the beginning and ending of each document, showing the Bates
- 23 number of each page and the appropriate unitization of the documents.
- 24 c. Each image file of an electronic document will be created directly from the original
- 25 electronic document. Image files shall show all text and images that would be visible in
- 26 the original electronic format (Native Format), including redlines and speaker notes.
- 27 d. All TIFF files are to be provided with an accompanying searchable text (.TXT) file
- 28 extracted from the native, electronic file (not generated as an OCR file from the TIFF

1 image(s)), and such text files shall contain the full text extraction. To the extent technically
2 feasible, extracted text shall provide all comments, tracked changes, speaker's notes, and
3 text from hidden worksheets, slides, columns and rows. In the case of files with redacted
4 text, OCR'ed text of the redacted documents may be provided in lieu of extracted text.
5 OCR software should be set to the highest quality setting during processing.

6 e. All documents shall be produced in their original language. For documents in foreign
7 languages, the OCR shall be performed using an OCR tool and settings suitable for the
8 particular byte or multi-byte languages.

9 f. Each text file shall be named according to the Bates number of the first page of the
10 corresponding image files (e.g., BATES000001.TXT).

11 g. Microsoft Word Documents (or similar) (.DOC, .DOCX, or substantially similar non-
12 Microsoft file formats) should be produced as a single color PDF file for each Document,
13 containing all images for that document, and should be imaged in a manner that captures
14 track changes and comments. To the extent Plaintiffs believes the converted image format
15 distorts, omits, or causes information to be improperly displayed, Plaintiffs may request
16 the Document in Native Format and the Parties shall meet and confer to attempt to resolve
17 the problem(s).

18 h. In the case of email, the corresponding text file shall include, where reasonably available:
19 (1) the individual(s) to whom the communication was directed ("To"); (2) the author(s) of
20 the email communication ("From"); (3) who was copied and blind copied on such email
21 ("CC" and "BCC"); (4) the subject line of the email ("RE" or "Subject"); (5) the names of
22 any attachments; and (6) the text (body) of the email.

23 i. The following ESI shall be produced in native file format:
24 i. Excel files;
25 ii. Text message files;
26 iii. Presentation files (e.g., PowerPoint);
27 iv. Personal databases (MS Access);
28 v. Audio/video files;

1 vi. Web pages;

2 vii. Animations;

3 viii. Source code.

4 j. To the extent responsive Text Messages are being produced, they will be produced in a
5 reasonable usable format. YOU will disclose its production format of Text Messages to
6 the Plaintiffs prior to the production of Text Messages. Plaintiffs retain their rights to
7 meet and confer on the production format to address any concerns.

8 k. The Parties reserve the right to request production of other ESI types in Native Format,
9 for example, that documents be produced in Microsoft Word, in addition to TIFF images.
10 The Parties agree to meet and confer regarding such requests.

11 l. PowerPoint or other presentation files should be produced in Native Format as (e.g., as
12 .PPT files). PowerPoint presentations shall also be produced in full-slide image format,
13 along with speaker notes (which should follow the full images of the slides) with related
14 searchable text, Metadata, and bibliographic information.

15 m. In the case of personal database (e.g., MS Access) files containing confidential or
16 privileged information, the parties shall meet and confer to determine the appropriate
17 form of production.

18 n. ESI shall be processed in a manner that preserves hidden columns or rows, hidden text,
19 worksheets, notes, tracked changes, and comments. Any Party seeking a deviation from
20 this provision must provide notice to other Parties and the Parties agree to meet and
21 confer regarding such requests.

22 o. The Parties will meet and confer about objective coding fields and Metadata that will be
23 produced for all ESI—including ESI produced in TIFF or Native Format, and any such
24 Metadata will be produced in accordance with the Parties' agreement or in accordance
25 with any ESI Protocol to be agreed upon by the Parties.

26 p. Any Document produced in native format, will be produced according to the following
27 specifications:

- i. A unique Bates number and confidentiality designation shall be used as the file name and the original file name and file extension shall be preserved in the corresponding load file. An example of this convention would be: “BATES000001_HighlyConfidential.xls”
- ii. The native format Documents shall be accompanied by reference information that sets forth for each document, sufficient information to allow the Parties to track and authenticate the native format documents produced, including:
 - (i) the name of the custodian from whose files the electronic file is produced;
 - (ii) an appropriately calculated “MD-5 Hash Value”; (iii) the original name of the file; and (iv) a Bates number.
- iii. In all cases, unless there is no textual content, an OCR or Extracted Text file shall be produced along with the native file. For any native format documents that cannot be imaged or where the image is produced as a separate document, a single page placeholder image shall be provided that indicates the file was produced in native format and contains the Bates number and confidential designation, if any, of the corresponding file.
- iv. In order to preserve the integrity of any file produced in Native Format, no Bates number, confidentiality designation or internal tracking number should be added to the body of the Native Format document unless otherwise agreed to between the Producing Party and the Receiving Party during any meet and confer related to the production of that Native Format document.
- v. Plaintiffs may also request that You produce additional file types of electronic Documents in Native Format where converted image formats distort or otherwise cause information to be improperly displayed. The Parties shall meet and confer regarding such requests in good faith and cooperation.

4. These Requests for Productions should be deemed continuing such that if Your directors, officers, employees, agents, representatives or any person acting on Your behalf, subsequently discover or

1 obtain possession, custody, or control of any document or ESI previously requested or required to be
 2 produced, and supplemental productions should be provided as additional documents become available.

3 5. If You claim You are unable to produce a Document, you must state whether that inability is
 4 because the Document never existed; has been destroyed, lost, misplaced or stolen; or has never been or is
 5 no longer in your possession, custody or control. Such a statement must further set forth the name and
 6 address of any person or entity that you know or believe to have possession, custody or control of that item
 7 or category of item. If any Document responsive to a request has been destroyed, produce all documents
 8 describing or referencing: (1) the contents of the lost or destroyed document; (2) all locations in which any
 9 copy of the lost or destroyed Document had been maintained; (3) the date of any such loss or destruction to
 10 the extent known; (4) the name of each person who ordered, authorized and carried out the destruction of
 11 any lost or destroyed Document; (5) all document retention and destruction policies in effect at the time any
 12 requested Document was destroyed; and (6) all efforts made to locate any responsive Document alleged to
 13 have been lost or destroyed.

14 6. If You object to any item or category of item, Your response shall (a) identify with
 15 particularity each document or thing to which the objection is made and (b) set forth clearly the extent of,
 16 and specific ground for, the objection; and You should respond to the Request to the extent it is not
 17 objectionable.

18 7. If You object that a Document is covered by the attorney-client or other privilege, or is work-
 19 product, You shall provide a Privilege Log containing: (1) the name of the Document; (2) the name and
 20 address of the person(s) who prepared it; (3) the person(s) to whom it was directed or circulated; (4) the date
 21 on which the Document was prepared or transmitted; (5) the name and address of the person(s) now in
 22 possession of the Document; (6) the description of the subject matter of the Document; and (7) the specific
 23 nature of the privilege claimed, including the reasons and each and every fact supporting the withholding,
 24 and legal basis sufficient to determine whether the claim of privilege is valid with respect to the Document
 25 (without revealing privileged information).

26 8. In responding to these Requests for Production, You are to include Documents (1) obtained
 27 from witnesses who gave information to any governmental agency or investigatory body, including
 28 Congress; (2) that constitute, refer or relate to summaries of testimony or other statements in connection

1 with any governmental agency or investigatory body proceeding or investigation, including before
2 Congress; or (3) obtained on Your behalf in preparation for testimony or interviews before any governmental
3 agency or investigatory body, including Congress.

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REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 137

All Documents and Communications related to Meta's seeding of Data torrented from Online Databases.

REQUEST FOR PRODUCTION NO. 138

All Documents and Communications related to Meta's efforts to minimize seeding of Data torrented from Online Databases.

REQUEST FOR PRODUCTION NO. 139

All Data from Online Databases acquired by Meta via Torrent Client or torrent protocols, including filename, size, and any other metadata.

REQUEST FOR PRODUCTION NO. 140

All Data seeded by Meta to Online Databases, including filename, size, and any other metadata.

REQUEST FOR PRODUCTION NO. 141

All Documents and Communications custodially housed in Nikolay Bashlykov's Meta-issued and personal computer(s), devices, and web hosting services related to torrenting and seeding of Data from Online Databases.

REQUEST FOR PRODUCTION NO. 142

All Documents and Communications related to the use of any Torrent Client to obtain any Data from Online Databases, including but not limited to internal approvals, risk assessments, investigations, media or press strategies and communications, mitigation plans, remedial actions, and compliance reviews.

REQUEST FOR PRODUCTION NO. 143

All Documents and Communications related to the installation, usage, or configuration of any Torrent Client to obtain any Data from Online Databases, including but not limited to application logs, server logs, network traffic reflecting torrent downloads or seeding, descriptor files, configuration files or equivalent settings registries, and bandwidth logs.

REQUEST FOR PRODUCTION NO. 144

All Documents and Communications related to the locations or methods of storing or hosting Data from Online Databases obtained through torrenting, including but not limited to local servers, virtual

1 servers, cloud-based storage such as Amazon Web Services (AWS), or any other third-party data hosting
 2 services.

3 **REQUEST FOR PRODUCTION NO. 145**

4 All Documents and Communications related to the decision not to involve Meta's Data Infrastructure
 5 (DI) team in the acquisition, storage, downloading, or handling of Data from Online Databases.

6 **REQUEST FOR PRODUCTION NO. 146**

7 All Documents and Communications related to the development and use of any mode, setting, or
 8 process used to conceal YOUR torrenting or seeding of any Data from Online Databases, including but not
 9 limited to the decision to collect any such Data in "Stealth Mode."

10 **REQUEST FOR PRODUCTION NO. 147**

11 All Documents and Communications related to the use of "fairspark." *See Meta_Kadrey_00108336.*

12 **REQUEST FOR PRODUCTION NO. 148**

13 All Documents and Communications related to any machines, devices, or servers YOU used to
 14 torrent or seed any Data from Online Databases, including but not limited to "Port 80."

15 **REQUEST FOR PRODUCTION NO. 149**

16 All Documents and Communications related to Data YOU torrented or seeded from Online
 17 Databases, including but not limited to download logs, data processing records, and usage reports.

18 **REQUEST FOR PRODUCTION NO. 150**

19 All Documents and Communications related to Data synced to S3, including but not limited to
 20 synchronization logs, data integrity checks, and access control records. *See Meta_Kadrey_00108336.*

21 **REQUEST FOR PRODUCTION NO. 151**

22 All Documents and Communications related to the use of "PySpark" or any other tools used to
 23 download or re-download Data from any Online Database, including but not limited to Data identified in
 24 RFP 149 or any torrent networks, and any revisions or updates to the code.

25 **REQUEST FOR PRODUCTION NO. 152**

26 All Documents and Communications regarding the deduplication of Llama training data containing
 27 copyrighted material or books that was downloaded, acquired, or stored by YOU, including but not limited
 28 to deduplication algorithms, implementation notes, and performance metrics.

REQUEST FOR PRODUCTION NO. 153

2 All Documents and Communications related to the creation or finetuning of datasets that include
3 any copyrighted material or books that were used or intended to be used for training Llama 4, Llama 5, and
4 any other models in development, including pre-training, post-training, and fine-tuning datasets.

REQUEST FOR PRODUCTION NO. 154

6 All copies of the datasets that were used or intended to be used for training Llama Models, including
7 all copies of all pre-training, post-training, and fine-tuning datasets.

REQUEST FOR PRODUCTION NO. 155

9 All copies of datasets that include any copyrighted material or books that YOU used during post-
10 training to fine-tune or align any Llama Model to not output or regurgitate copyrighted material.

REQUEST FOR PRODUCTION NO. 156

12 All copies of datasets that include any copyrighted material or books that YOU used to test or study
13 any Llama Model's tendency to memorize training data and/or to prevent any Llama Model from
14 memorizing training data containing copyrighted material or books, including the datasets referenced in
15 YOUR MME source code repository that include copyrighted material or books.

REQUEST FOR PRODUCTION NO. 157

17 All Documents and Communications related to the use of any other software or tools not previously
18 identified that were used to download, re-download, or manage Data from any Online Database, including
19 but not limited to torrent networks, and any associated technical documentation.

REQUEST FOR PRODUCTION NO. 158

21 All Documents and Communications related to the synchronization of Data obtained from any
22 Online Database to any cloud storage services, including but not limited to AWS S3, and any associated
23 data management policies and access control records.

REQUEST FOR PRODUCTION NO. 159

25 All Documents and Communications related to the identification, handling, and resolution of any
26 legal or compliance issues arising from the use of Data from Online Databases for training Llama Models,
27 including any internal or external communications, risk assessments, and mitigation plans.

1 **REQUEST FOR PRODUCTION NO. 160**

2 All Documents and Communications related to any internal or external audits, reviews, or
3 assessments of Meta's data acquisition practices, including but not limited to the use of Torrent Clients,
4 Online Databases, and cloud storage services, and any associated findings and recommendations.

5 **REQUEST FOR PRODUCTION NO. 161**

6 All Documents and Communications related to any efforts to anonymize, obfuscate, encrypt, or
7 otherwise conceal the source of Data obtained for use in training Llama Models, including but not limited
8 to the removal of copyright management information (CMI), and any associated technical documentation
9 and implementation notes.

10 **REQUEST FOR PRODUCTION NO. 162**

11 All Documents and Communications related to any internal or external communications, including
12 emails, memos, and meeting minutes, discussing the ethical, legal, or compliance implications of using
13 pirated or "external" data for training Llama models, and any associated risk assessments and mitigation
14 plans.

15 **REQUEST FOR PRODUCTION NO. 163**

16 All Documents and Communications related to any requirements, planning, setup, configuration,
17 and operation of the Torrent Client software, including work requests, support tickets, and other records of
18 actions taken to request, setup, configure or operate any Torrent Client software.

19 **REQUEST FOR PRODUCTION NO. 164**

20 All logs created by the network systems controlled by Meta or received by Meta from any service
21 provider through which the Data acquired from Online Databases via Torrent Client software was
22 transmitted.

23 **REQUEST FOR PRODUCTION NO. 165**

24 All network descriptions, maps, and visual diagrams of the network within which Meta operated its
25 Torrent Clients.

26 **REQUEST FOR PRODUCTION NO. 166**

27 All service billing information for the systems within which the Torrent Clients operated.

REQUEST FOR PRODUCTION NO. 167

All Documents and Communications related to the decision-making process for selecting specific Torrent Client software, including any evaluations, comparisons, or assessments of different Torrent Clients.

REQUEST FOR PRODUCTION NO. 168

All Documents and Communications related to security measures or protocols implemented to protect Data acquired via torrent protocol, including but not limited to encryption, access controls, and monitoring.

REQUEST FOR PRODUCTION NO. 169

All Documents and Communications related to incidents, issues, or problems encountered during the use of Torrent Clients, including troubleshooting steps, resolutions, and any impact assessments.

REQUEST FOR PRODUCTION NO. 170

All Documents and Communications related to audits, reviews, or assessments conducted on the use of Torrent Clients for Data acquisition, including any findings, recommendations, and follow-up actions.

REQUEST FOR PRODUCTION NO. 171

All Documents and Communications related to any data integrity checks, validation processes, quality assurance measures, and data deduplication processes applied to the Data from any Online Database acquired via Torrent Client, including any algorithms, implementation notes, and performance metrics.

REQUEST FOR PRODUCTION NO. 172

All Documents and Communications related to any data storage solutions used to store the Data acquired from Online Databases via Torrent Client, including any local servers, virtual servers, cloud-based storage, and any associated data management policies and access control records.

Dated: January 16, 2025

By: /s/ Maxwell V. Pritt
Maxwell V. Pritt

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CERTIFICATE OF SERVICE

I, the undersigned, am employed by Boies Schiller Flexner, LLP. My business address is 1401 New York Avenue NW, Washington, DC 20005. I am over the age of eighteen and not a party to this action.

On January 16, 2025, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFFS' SEVENTH SET OF REQUESTS FOR PRODUCTION TO DEFENDANT META PLATFORMS, INC.**

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 16, 2025.

/s/ Jay Schuffenhauer
Jay Schuffenhauer

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Plaintiffs and the Proposed Class*26 *[Additional counsel included below]*27 **UNITED STATES DISTRICT COURT**
28 **NORTHERN DISTRICT OF CALIFORNIA**
29 **SAN FRANCISCO DIVISION**

30 Richard Kadrey, et al.,

31 Case No. 3:23-cv-03417-VC

32 *Individual and Representative Plaintiffs,*33 **PLAINTIFFS' FOURTH SET OF
INTERROGATORIES TO DEFENDANT
META**

34 v.

35 Meta Platforms, Inc.,

36 *Defendant.*

In accordance with Federal Rules of Civil Procedure Rules 26 and 33, Plaintiffs, by and through their undersigned attorneys, hereby request that Defendant Meta Platforms, Inc. respond to the following Fourth Set of Interrogatories separately and fully, in writing and under oath, within eighteen (18) days of service hereof, in accordance with the following definitions and instructions.

DEFINITIONS

As used herein, the following words, terms, and phrases—whether singular or plural, or in an alternate verb tense—shall have the meanings ascribed below. Defined terms may not be capitalized or made uppercase. The given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by the use of a defined term in a non-capitalized or lowercase form:

1. “All,” “or,” and “and” should be understood to include and encompass “any”; “or” should be understood to include and encompass “and”; and “and” should be understood to include and encompass “or.”

2. “ASSERTED WORK(S)” means the works listed in Exhibit A to the Complaint, Dkt. No. 395-11 at 27-73.

3. “CMI” or “Copyright Management Information” means information indicating a Work’s copyrighted status, INCLUDING but not limited to “©,” “ISBN,” “All rights reserved,” Digital Rights Management (DRM) Notices, and publisher identifiers.

4. "CONCERNING," "REFERRING," "RELATING" or "REFLECTING" are used interchangeably and shall mean constituting, evidencing, supporting, regarding, mentioning, reflecting, concerning, relating to, referring to, pertaining to, alluding to, responding to, proving, discussing, assessing, disproving, connected with, commenting on, about, showing, describing, and/or logically or factually dealing with the matter described in the request in which the term appears.

5. "DATA" means content, files, information, metadata, software, or any other digital material, INCLUDING DOCUMENTS.

6. "DESCRIBE" means to provide a detailed narrative statement or description of the specific facts or matters to which an Interrogatory refers, INCLUDING, but not limited to, an identification of all Persons, Communications, acts, transactions, events, agreements, recommendations,

1 quantification of values, and DOCUMENTS used, that are necessary or desirable to support such
2 statement or make the description complete. DESCRIBE INCLUDES "IDENTIFY."

3 7. "DOCUMENT(S)" is used in its broadest sense allowed by Rule 34(a) of the Federal
4 Rules of Civil Procedure and includes, but is not limited to, any writings, drawings, graphs, handwriting,
5 typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or
6 facsimile, and every other means of recording upon any tangible thing, any form of communication or
7 representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any
8 record thereby created, regardless of the manner in which the record has been stored.

9 This includes:

10 a. The originals, drafts and all non-identical copies thereof, whether different from
11 the original by reason of any notation made on such copies or otherwise;

12 b. Booklets, brochures, pamphlets, circulars, notices, periodicals, papers, contracts,
13 agreements, photographs, minutes, memoranda, messages, appraisals, analyses,
14 reports, financial calculations and representations, invoices, accounting and diary
15 entries, inventory sheets, diaries, appointment books or calendars, teletypes,
16 telefaxes, thermafaxes, ledgers, trial balances, correspondence, telegrams, press
17 releases, advertisements, notes, working papers, drawings, schedules, tabulations,
18 projections, information or programs stored in a computer (whether or not ever
19 printed out or displayed), and all drafts, alterations, modifications, changes or
20 amendments of any of the foregoing;

21 c. Graphic or aural representations of any kind, including, without limitation,
22 photographs, microfiche, microfilm, videotapes, recordings, drawing, charts and
23 motion pictures;

24 d. All letters, words, pictures, sounds, or symbols, or combinations thereof stored in
25 or on any electronic, mechanical, magnetic, or optical device including, but not
26 limited to: (i) computer data storage devices (servers, laptops hard-drives, flash
27 drives, discs, magnetic cards, and the like), (ii) the internet or "the Cloud" (such

1 as e-mail, web posts, social media posts, internet pages, etc.), and (iii) information
2 stored on cell phones;

3 e. Any computer programming code or file, including, but not limited to, source
4 code, scripts, code packages, coding tools, and models.

5 8. “IDENTIFY” (and variations thereof) means the following:

6 a. With respect to a natural PERSON, provide the PERSON’s: (i) full name; (ii)
7 current or last known home address; (iii) current or last known business address;
8 (iv) current or last known email address; (v) current or last known occupation,
9 employer and business position or title; and (vi) current or last known telephone
10 number.

11 b. With respect to an entity which is not a natural PERSON, provide: (i) the full name
12 of the entity; (ii) the type of entity (e.g., corporation, partnership, sole
13 proprietorship, association); (iii) the name, address and telephone number of its
14 principal place of business; (iv) all names under which it is doing, or has ever
15 done, business; (v) the names of the contact PERSON; and (vi) the date or interval
16 when such entity stood in the capacity referenced by the interrogatory.

17 c. With respect to an event or action, (i) provide the date of the event or action; (ii)
18 state the PERSON(s) present or involved; (iii) state the place or places where the
19 event or action took place.

20 d. With respect to a DOCUMENT, (i) state the originator, author, addressee,
21 recipient; (ii) DESCRIBE the contents; (iii) state the date of the DOCUMENT;
22 (iv) the title and/or filename of the DOCUMENT, INCLUDING in the case of
23 torrent files, the magnet link; and (v) IDENTIFY all Persons with knowledge of
24 any of the foregoing.

25 e. With respect to a fact, means to (i) DESCRIBE the fact; (ii) state when it became
26 known to META; (iii) IDENTIFY the source from which META learned the fact;
27 and (iv) IDENTIFY the DOCUMENTS that record, show or refer to the fact.

1 9. “INCLUDING” and “INCLUDES” are used to provide examples of certain types of
2 information and should not be construed as limiting a request or definition in any way. The terms
3 “Including” and “Includes” shall be construed as if followed by the phrase “but not limited to.”

4 10. “LLAMA MODEL(S)” means all instances, iterations, versions, updates, or modifications
5 of the META’s AI model known as “LLaMa” or “Llama” and any other AI models developed or in
6 development by META. This INCLUDES, but is not limited to, the original version, experimental
7 versions, subsequent versions, updates, or refinements made to the underlying algorithms, parameters, or
8 architecture.

9 11. “LLAMA 4” means the series of language models of the same name that are currently
10 under development by META, as well as precursor models and variant models.

11 12. “LLAMA 5” means the series of language models of the same name that are currently
12 under development by META, as well as precursor models and variant models.

13 13. “META” means Meta Platforms, Inc., and its employees, agents, attorneys, accountants,
14 representatives, predecessors or successors-in-interest, any corporation or partnership under its direction,
15 or any other PERSON or entity acting on its behalf or under its control.

16 14. “MITIGATIONS” means measures and practices implemented to prevent copyright
17 infringement and ensure adherence to copyright laws, and measures and practices implemented to prevent
18 LLAMA MODELS from outputting copyrighted content.

19 15. “ONLINE DATABASE(S)” means the type of databases described in paragraphs 43 and
20 44 of the Complaint (Dkt. No. 395-11) and those identified in Meta_Kadrey_00185698—online
21 databases that contain copyrighted material or books, INCLUDING but not limited to Books3, b3g, Z-
22 Library (aka B-ok), Library Genesis (aka LibGen), Bibliotik, Anna’s Archive, Internet Archive, DuXiu,
23 and The Pile. The term encompasses all versions, updates, augmentations, or modifications of such
24 databases, and the distribution, provision, or sharing of copyrighted material or books by other users, or
25 peers, via the torrent protocol or network.

26 16. “PERSON” means any natural person or any business, legal, or governmental entity or
27 association.

17. “SERVICE PROVIDER” means any operator of a non-META network, cloud or off-site data center, or other vendor, through which or on which DATA acquired via TORRENT CLIENT software, application, or platform was transmitted or stored.

18. “TRAIN” or “TRAINING” refers to any process or method used to develop, improve, or refine a machine-learning model. This INCLUDES, but is not limited to, feeding DATA into a model, adjusting algorithms, optimizing parameters, and testing, validating, and updating models. It also INCLUDES the selection, preparation, and use of datasets or databases, the execution of supervised, unsupervised, or reinforcement learning techniques, and any pre-processing steps, model tuning, cross-validation, and performance evaluations.

19. “TORRENT CLIENT(S)” means a network or application designed for sharing computer DATA that was used by META to obtain DATA from any ONLINE DATABASE, INCLUDING but not limited to BitTorrent and other peer-to-peer torrent file sharing protocols. BitTorrent should not be construed to refer to only the BitTorrent software client, but also to refer to the peer-to-peer file-sharing protocol.

20. "YOU" or "YOUR" refers to META.

INSTRUCTIONS

Solely for the purpose of these interrogatories, the following instructions shall apply:

1. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these interrogatories shall be deemed to be continuing in nature so that, if YOU, YOUR directors, officers, employees, agents, representatives or any PERSON acting on YOUR behalf, subsequently discover or become aware of information that is responsive to these Interrogatories, YOU shall make such information available to Plaintiffs within seven (7) days of discovering or becoming aware of such information.

2. Unless otherwise noted herein, the relevant time period of these interrogatories shall be January 1, 2000, to the present (the "Relevant Period").

3. Each interrogatory shall be answered separately and completely in writing under oath. YOUR response is to be signed and verified by the PERSON making it, and the objections signed by the attorney making them, as required by Federal Rules of Civil Procedure 33(b).

1 4. Each interrogatory shall be answered fully unless it is objected to in good faith, in which
2 event the objecting party shall state the reasons for objection and shall answer to the extent the
3 interrogatory is not objectionable. If only a part of an interrogatory is objectionable, the remainder of the
4 interrogatory shall be answered. If an objection is made to an interrogatory or to a part of an interrogatory,
5 the specific ground for the objection shall be set forth clearly. If YOU object based on a purported
6 ambiguity in construing an interrogatory, or a word, phrase, or clause contained within it, or an instruction
7 or definition, such objection shall not serve as a basis for refusing to answer; YOU must set forth in
8 YOUR answer the allegedly ambiguous language and the construction chosen or used to provide a
9 complete response.

10 5. If YOU answer any interrogatory by reference to business records pursuant to Federal
11 Rules of Civil Procedure Rule 33, and as the term "business record" is defined under the Federal Rules
12 of Evidence, YOU shall produce the business records and IDENTIFY any such DOCUMENTS by bates
13 number, as well as the name of the employee certifying the DOCUMENTS as business records for
14 purposes of responding to the Interrogatory.

15 6. If the interrogatory cannot be answered completely, it shall be answered to the extent
16 possible. If YOU do not have personal knowledge sufficient to respond fully to an interrogatory, YOU
17 shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to
18 other natural or legal PERSONS or organizations. If YOU are otherwise unable to answer any
19 interrogatory, the reasons for YOUR inability to answer shall be separately stated in detail for each
20 interrogatory.

21 7. If any answer to an interrogatory, or part thereof, is withheld on a claim of privilege,
22 attorney work-product, or otherwise protected from discovery, YOU are requested to comply with the
23 requirements of Federal Rule of Civil Procedure 26(b)(5) as to each communication, DOCUMENT, thing,
24 or piece of information for which a claim of privilege or protection from discovery is made. For any
25 information withheld on the ground that it is privileged, attorney work-product, or otherwise protected
26 from discovery, IDENTIFY the information or DOCUMENT, DESCRIBE its subject matter and date,
27 IDENTIFY all authors and all recipients (INCLUDING copied and blind copied recipients), and specify
28 the basis for the claimed privilege or other grounds of exclusion. For each interrogatory response

1 withheld on the basis of privilege, state whether the information requested has ever been provided to any
 2 governmental entity or any other party other than META. For each interrogatory response withheld on
 3 the basis of attorney work-product, IDENTIFY the litigation in connection with which the information
 4 was obtained and/or prepared.

5 8. YOUR answer to each interrogatory shall IDENTIFY each individual who supplied
 6 information for or participated in the preparation of Your answers to these interrogatories, and each
 7 DOCUMENT to which You referred or upon which You relied in the preparation of YOUR answers to
 8 these Interrogatories.

9 9. These interrogatories are continuing in nature and YOUR responses to them are to be
 10 promptly supplemented or amended if, after the time of YOUR initial responses, YOU learn that any
 11 response is or has become in some material respect incomplete or incorrect, pursuant to Federal Rule of
 12 Civil Procedure 26(e).

13 10. To be clear, each interrogatory seeks information from all predecessors, successors,
 14 subsidiaries, departments, divisions, and/or affiliates of META.

INTERROGATORIES

INTERROGATORY NO. 26:

17 DESCRIBE the DATA that YOU obtained RELATING to LLAMA 4 and LLAMA 5,
 18 INCLUDING, to the extent that DATA was acquired, downloaded, obtained or otherwise derived from
 19 ONLINE DATABASES, a list of all such databases and, for each, the dates on which DATA was
 20 obtained; how much DATA was obtained; whether DATA was seeded or otherwise shared with or made
 21 available to third parties, and if so, by whom and how much; the number of copies of DATA made; how
 22 the DATA has been used to TRAIN any LLAMA MODEL; and the percentage of the TRAINING DATA
 23 derived from each ONLINE DATABASE.

INTERROGATORY NO. 27:

25 For all DATA, INCLUDING each ASSERTED WORK, acquired via TORRENT CLIENTS,
 26 IDENTIFY all SERVICE PROVIDERS through which or on which DATA acquired via TORRENT
 27 CLIENT software, application, or platform was transmitted or stored, and DESCRIBE by title, filename,
 28 amount or percentage downloaded, number of downloads, and recipient (by username, IP address, and

1 other identifiers maintained by META) the DATA distributed, downloaded, and/or seeded by META;
 2 the name of the ONLINE DATABASE that the DATA was derived from, downloaded from, or believed
 3 to have originated from; the amount of DATA that Meta seeded; and YOUR efforts, if any, to minimize
 4 seeding of such DATA.

5 **INTERROGATORY NO. 28:**

6 DESCRIBE all policies and procedures related to IDENTIFYING, assessing, vetting, and
 7 selecting sources of DATA for any LLAMA MODEL, INCLUDING but not limited to any policies and
 8 procedures RELATING to the means and methods of acquiring DATA, or seeding or distributing DATA,
 9 such as acquiring or seeding DATA via TORRENT CLIENTS.

10 **INTERROGATORY NO. 29:**

11 DESCRIBE all actions that YOU took REGARDING the removal of any text and CMI from
 12 DATA, INCLUDING each ASSERTED WORK, in connection with the development of YOUR LLAMA
 13 MODELS, INCLUDING actions that were manual or automated via scripts.

14 **INTERROGATORY NO. 30:**

15 DESCRIBE all copyright and intellectual property MITIGATIONS that YOU employed
 16 RELATING to the development and TRAINING of YOUR LLAMA MODELS, INCLUDING efforts to
 17 limit LLAMA MODEL outputs that showed signs of regurgitation of copyrighted material.

19 Dated: January 19, 2025

By: /s/ Maxwell V. Pritt
 20 Maxwell V. Pritt

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20 *Plaintiffs and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Boies Schiller Flexner, LLP. My business address is 1401 New York Avenue NW, Washington, DC 20005. I am over the age of eighteen and not a party to this action.

On January 19, 2025, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFFS' FOURTH SET OF INTERROGATORIES TO DEFENDANT META PLATFORMS, INC.**

I declare under penalty of perjury that the foregoing is true and correct. Executed January 19, 2025.

/s/ Jay Schuffenhauer
Jay Schuffenhauer

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